

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 18th March, 2013

No. SEC/3ME/2013/1873.—As per provisions contained in Section 13 D and 13 E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee has to maintain an account of his election expenses from the date of his nomination till the declaration of result. The State Election Commission, Haryana, *vide* its Notification No. SEC/4ME/2006/9706, dated 19.12.2006, has fixed time limit of 30 days from the date of declaration of the election results to file/ lodge account of election expenses with the Deputy Commissioner or any other officer prescribed by the Commission. The election expenditure limit of Rs.35,000/- for the contesting candidate of the Municipal Committee has also been prescribed by the Commission *vide* its notification NO.SEC/3ME/2003/10216, dated 24/10/2003. If a candidate does not file his election expenditure statement within the prescribed time limit or make expenditure beyond prescribed expenditure limit could be disqualified by the State Election Commission, Haryana for a period of three years.

2. The General election to Municipal Committee, Uchana, District Jind, was held on 19.12.2010 and the result was also declared on the same day. Therefore, election expenses account were to be filed by 18.01.2011. The following 27 candidates had failed to lodge account of their election expenses within 30 days of declaration of the result:—

Sr.No.	Name of candidate	Ward No.
1.	Sh. Abdul Rajak	1
2.	Sh. Inder Singh	1
3.	Sh. Ramdiya	1
4.	Sh. Ashok Kumar	2
5.	Sh. Balbir Singh	2
6.	Sh. Sunil Kumar	2
7.	Smt. Usha	3
8.	Sh. Joginder	3
9.	Smt. Nilam Devi	3
10.	Smt. Yashwanti	3
11.	Sh. Ishwar	4
12.	Smt. Pushpa Devi	4
13.	Sh. Ramesh Kumar	4
14.	Smt. Umresh Rani	5
15.	Smt. Veena Devi	6
16.	Smt. Kanta	8
17.	Smt. Santro	8
18.	Smt. Chendro Devi	9
19.	Sh. Suresh	9

Sr.No.	Name of candidate	Ward No.
20.	Smt. Kamlesh	10
21.	Sh. Ghani Ram	10
22.	Sh. Satpal	10
23.	Sh. Harkesh	10
24.	Smt. Anita Devi	11
25.	Smt. Chandni Devi	12
26.	Smt. Birmati	12
27.	Sh. Zile Singh	13

A show cause notice was served upon them to explain as to why they should not be disqualified on account of their failure to file the election expenses account within the prescribed time. They were personally heard on 28.01.2013 in the court room of Deputy Commissioner, Jind.

3. Eleven candidates mentioned at Sr. No. 1, 2, 3, 6, 7, 12, 13, 16, 18, 26 and 27 appeared before me and had made the following submissions:—

- (i) Four candidates at Sr. No. 1, 2, 18 and 27 stated that due to some reasons, they could not submit the expenditure details. But during hearing, they have submitted their expenditure registers.
- (ii) Three candidates at Sr. No. 13, 16 and 26 stated that they had already submitted the expenditure details. During hearing, they have again submitted their expenditure expenses.
- (iii) Four candidates at Sr. No. 3, 6, 7 and 12 stated that they had already submitted expenditure statements to the Election Observer but they could neither produce receipt or nor any document in their support.
- (iv) One candidate at Sr. No. 17 has sent his expenditure register to the Commission on 22.02.2013.

4. Remaining fifteen candidates at Sr. No. 4, 5, 8, 9, 10, 11, 14, 15, 19, 20, 21, 22, 23, 24 and 25 were neither present nor submitted any reply to the Commission.

5. From perusal of the records and the submission made at the time of hearing, six candidates at Sr. No. 1, 2, 13, 16, 17, 18, 26 and 27 have submitted their election expenditure statement after the prescribed time. It has been observed that the candidates are generally not aware of the procedure of filing the election expenditure statement and consequently they do not submit such statement in time. Most of them have submitted expenditure account after receipt of show cause notice. Therefore, in view of the above and taking a lenient view in the matter, eight candidates mentioned above are hereby exempted from filing election expenditure statement with warning not to repeat such lapse in future.

6. As regards four candidates at Sr. No. 3, 6, 7 and 12, Deputy Commissioner and Expenditure Observer should be asked to clarify whether these candidates have submitted expenditure statement/account with the district/ municipal authorities or to them. The decision about these candidates shall be taken after getting their reports.

7. Remaining fifteen candidates mentioned at Sr. No. 4, 5, 8, 9, 10, 11, 14, 15, 19, 20, 21, 22, 23, 24 and 25 of para 2 have failed to file expenditure statement so far. Accordingly, they all are hereby disqualified for a period of 3 years from the date of this order.

8. The office is directed to send a copy of the order to all concerned and also get it notified in the Haryana Government Gazette.

Panchkula:

The 15th March, 2013.

DHARAM VIR,

State Election Commissioner, Haryana.